



Docket No. LFF1.PAU.01

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Youngberg

Examiner: Unknown

Serial No.: 10/728,709

Art Unit: Unknown

Filed: December 5, 2003

Title: WATER HEATER SECURITY
SYSTEM

PETITION TO MAKE SPECIAL UNDER 37 CFR § 1.102(d)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR § 1.102(d) and MPEP § 708.02, Applicant respectfully requests that the above-identified application be afforded advancement of examination due to continuous and on-going infringement of the claims therein which have been presented for examination. Enclosed please find the petition fee. Please charge any deficit or credit any surplus to our Deposit Account No. 01-1960.

As a consequence of this continuing and on-going infringement of Applicant's claimed invention, Applicant's rights in its proprietary technology are being seriously jeopardized and the scope of Applicant's marketplace, as defined by Applicant's invention, is being compromised.

Applicant's invention is directed to a system for holding water heaters in a generally fixed relationship with an adjacent wall. The strap assemblies are flexible and

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woven such that there are no sharp edges. This not only improves the safety of installation, but also substantially increases the ease of assembly and removal. The overall strength of the system is greatly enhanced.

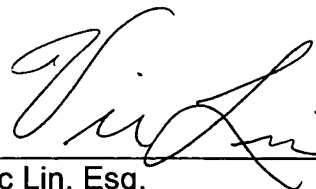
To Applicant's knowledge, the competitor's infringing system was not introduced into the market until after Applicant began selling its systems embodying the claimed invention. Applicant's counsel has made a rigid comparison of the sample system with the claims of the application. Applicant's counsel has concluded that some of the claims are unquestionably infringed.

Applicant has caused to be made a careful and thorough search of the prior art, the references of which have already been disclosed in the Information Disclosure Statement filed concurrently with the application.

Applicant invites the examiner to telephone the undersigned attorney if a telephone conference would facilitate advancement of the examination of this application.

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| I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on |
| <u>Date of Deposit: July 26, 2004</u> |
| by Eric Hoover |
|  |
| Signature |
| <u>July 26, 2004</u> |

Respectfully submitted,



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